

project itself are the subject of the criminal complaint. Senator SPECTER has no objection to allowing the testimony.

The enclosed resolution would authorize Mr. Urban to testify in this matter.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 21) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 21

Whereas, in the case of United States of America v. Vincent J. Fumo, et al, Cr. No. 06-319, pending in the United States District Court for the Eastern District of Pennsylvania, testimony has been subpoenaed from David Urban, a former employee of the office of Senator Arlen Specter;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent

with the privileges of the Senate: Now, therefore, be it *Resolved* that David Urban is authorized to testify in United States of America v. Vincent J. Fumo, et al., except concerning matters for which a privilege should be asserted.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 96-114, as amended, appoints the following individual to the Congressional Award Board: Rodney Slater of the District of Columbia.

#### ORDERS FOR TUESDAY, JANUARY 27, 2009

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, Tuesday, January 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2, the Children's Health Insurance Program Reauthorization; further, that the Senate recess following the swearing in of Senate appointee-GILLIBRAND until 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. ROCKEFELLER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:57 p.m., adjourned until Tuesday, January 27, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### SECURITIES AND EXCHANGE COMMISSION

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2009, VICE CHRISTOPHER COX, RESIGNED.

##### DEPARTMENT OF JUSTICE

ELENA KAGAN, OF MASSACHUSETTS, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE GREGORY G. GARRE, RESIGNED.

DAVID W. OGDEN, OF VIRGINIA, TO BE DEPUTY ATTORNEY GENERAL, VICE MARK R. FILIP.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, January 26, 2009:

##### DEPARTMENT OF THE TREASURY

TIMOTHY F. GEITHNER, OF NEW YORK, TO BE SECRETARY OF THE TREASURY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

##### SECURITIES AND EXCHANGE COMMISSION

MARY L. SCHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2009.